

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN GARLAND, VINCENT A. BOTTALICO,
TIMOTHY A. HEATON, JOSEPH BEVILACQUA, JOSEPH CICERO, JOSEPH COLUMBIA, ANDREW COSTELLO, JAMES DANIEL DALY III, VINCENT DEFONTE, KENNETH DEFOREST, SALVATORE DEPAOLA, BRIAN DOYLE, NATHAN EVANS, CHRISTOPHER FILOCAMO, KEVIN GARVEY, CHARLES GUARNEIRI, DANIEL J. OSHEA, MARGOT LOTH, MICHAEL LYNCH, DENNIS O'KEEFFE, BRIAN PATRICK SMITH, KURT PFLUMM, CHRISTOPHER RAIMONDI, PAUL SCHWEIT, JOSEPH T. JOHNSON, DAVID BUTTON, PAUL PARR, MARK SINCLAIR, DANIEL BAUDILLE, JOHN DREHER, THOMAS OLSEN, GIUSEPPE ROBERT PENORO, MATTHEW CONNOR, NICHOLAS MULLIGAN, RANDALL SANTANA, ANTHONY PERRONE, SCOTT ETTINGER, ANTHONY MASTROPIETRO, RASHAAD TAYLOR, ANTHONY RUGGIERO, JOSEPH MURDOCCA, KEITH KLEIN, PAUL VASQUENZ, MARK HENESY, RYAN K. HALL, JUDE PIERRE, MICHELLE SANTIAGO, ROBERT DITRANI, BRIAN T. DENZLER, MICHAEL MCGOFF, OWEN FAY, JOSEPH M. PALMIERI, STEPHEN INGUAGIATO, GEORGE J. MURPHY, JOSEPH DEPAOLA, STEPHEN BUTTAFUCCO, MICHAEL SAMOLIS, AINSLEY ATWELL, JOHN COSTELLO, MATTHEW SINCLAIR, GLENN CLAPP, MATT KOVAL, JOHN ARMORE, ROSARIO CURTO, DANIEL STROH, DANIEL YOUNG, FELICIA J. TSANG, KEVIN ERKMAN, JOHN TWOMLEY, CRAIG LEAHY, TIM RIVICCI, MICHAEL FADDA, ANTHONY C. CARDAZONE, DAVID SUMMERFIELD, BRENDAN MCGEOUGH, BRANDON PHILLIPS, CHRISTOPHER INFANTE, BERNADETTE MEJIA, JARED DYCHKOWSKI, THOMAS FEJES, JASON CHARLES, WILLIAM JOHN SAEZ, PHILLIP J. DARCEY, RODNEY COLON, SEAN FITZGERALD, ROBERT YULI, on behalf

INDEX NO. 21-cv-6586

**AMENDED NOTICE OF
APPEAL**

of themselves and all other similarly situated employees of the New York City Fire Department,
Plaintiffs,

-against-

NEW YORK CITY FIRE DEPARTMENT,
DANIEL A. NIGRO, in his official and individual capacities,
CITY OF NEW YORK, UNIFORMED FIRE OFFICERS ASSOCIATION, LOCAL 854
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFFILIATED WITH THE AFL-CIO,
UNIFORMED FIREFIGHTERS ASSOCIATION OF GREATER NEW YORK,
DISTRICT COUNCIL 37, AFSCME AFL-CIO,
HENRY GARRIDO, in his official and individual capacities,
DISTRICT COUNCIL 37, AFSCME AFL-CIO, LOCAL 2507,
AFSCME AFL-CIO, LOCAL 3621, JOHN DOE #1-10, in their official and individual capacities; and
JANE DOE #1-10 in their official and individual capacities,

Defendants.

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PLEASE TAKE NOTICE that all of the Plaintiffs hereby appeal to the United States Court of Appeals for the Second Circuit from the *Judgment* entered in this action on March 31, 2023, following the *Memorandum & Order* of the Honorable Kiyo A. Matsumoto, dated March 29, 2023 and entered March 29, 2023 and replaced on May 19, 2023, granting the Defendants' Motions to Dismiss in their entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and from each and every part of said judgment.

PLEASE TAKE FURTHER NOTICE that all of the Plaintiffs hereby appeal to the United States Court of Appeals for the Second Circuit from the *Memorandum And Order* of the Honorable Kiyo A. Matsumoto, dated December 6, 2021 and entered December 6, 2021, denying the Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction and from each and every part of said Memorandum and Order.

Dated: Garden City, New York
 May 19, 2023

THE SCHER LAW FIRM, LLP

By:

Austin Graff

AUSTIN GRAFF

Attorneys for the Plaintiffs

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